
APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 12, 1993

CRIMINAL JUSTICE — C.S.H.B. 354, C.S.H.J.R. 23

NATURAL RESOURCES — C.S.S.B. 331

JURISPRUDENCE — C.S.S.B. 1471

ADMINISTRATION — S.B. 1442

STATE AFFAIRS — S.C.R. 79, H.B. 272, H.B. 860, S.B. 958, S.B. 1463

INTERGOVERNMENTAL RELATIONS — S.B. 1382, S.B. 1464

EDUCATION — C.S.S.J.R. 52, C.S.S.B. 345, S.B. 1371, S.B. 1381, H.B. 515, H.B. 603, H.B. 1686, H.B. 2053

ECONOMIC DEVELOPMENT — C.S.H.B. 670, C.S.H.B. 2297

SENT TO COMPTROLLER

(May 12, 1993)

S.B. 931

SENT TO GOVERNOR

(May 12, 1993)

S.B. 24	S.B. 846
S.B. 126	S.B. 885
S.B. 191	S.B. 1022
S.B. 311	S.B. 1144
S.B. 454	S.B. 1160
S.B. 570	S.B. 1322
S.B. 576	S.B. 1362

SIXTY-SIXTH DAY

(Thursday, May 13, 1993)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla,

Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Moncrief.

A quorum was announced present.

Pastor Keith Clark, Austin Tabernacle, offered the invocation as follows:

Dear God, since creation and the beginning of time,
You have made all things with reason and rhyme.
For by Your word the sun, moon, and stars exist,
and they have always done as You insist.
So help us, the greatest of Your creation called man,
to obey the simple command.

I've stood on a distant shore, feet planted in the sand,
and watched the tides roll, knowing it was all in Your hands.
I've beheld the fleecy clouds trafficking in the sky,
doing as You bid them, and never asking why.
So help us, the greatest of Your creation called man,
to obey Your simple command.

We are beset by troubles on every side,
plaguing dilemmas from which we cannot hide.
We have troubles in the streets, and troubles in the school,
but all our answers can be found in the golden rule.
Do unto others as you would have them do unto you,
this is a truth that still holds true.

Lord, is not this supreme law from which we might make
the law,
So that as Your greatest creation called man,
we can obey the golden command?
Give these Senators the wisdom of Solomon, the courage of David
the King, that this great State of Texas will not be lacking
in anything.
And that we will always remain the land of the free,
and the home of the brave. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Harris of Dallas, Senator Moncrief was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE RESOLUTION 891

On motion of Senator Zaffirini and by unanimous consent, Senator Montford will be shown as Co-author of S.R. 891.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1497

S.B. 1498

S.B. 1499

S.B. 1500

S.B. 1501

MESSAGE FROM THE HOUSE

House Chamber
May 13, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

The House has refused to concur in Senate amendments to **H.B. 997** and has requested the appointment of a conference committee to consider the differences between the two Houses. The House conferees on **H.B. 997** are: Representatives Oliveira, Chair; Lewis, Nieto, Yost, and Turner of Coleman.

H.B. 665, Relating to the disposition of exhibits in a criminal case.

H.B. 728, Relating to certain annexations by a municipality with a population of more than 1.5 million.

H.B. 751, Relating to special license plates relating to the armed forces.

H.B. 944, Relating to a licensing exemption for certain foster care facilities providing care to children with acquired immune deficiency syndrome or other terminal illnesses.

H.B. 1562, Relating to procedures for petitioning for a writ of habeas corpus by persons sentenced to death and procedures for the compensation and appointment of counsel to represent persons sentenced to death.

H.B. 1608, Relating to the investment of state funds, the liquidity of obligations issued by state agencies, and the availability of federal reserve services.

H.B. 1821, Relating to the investment of the funds of a local government or an institution of higher education.

H.B. 1926, Relating to the regulation of lawyer referral services.

H.B. 1951, Relating to illegal dumping; providing a criminal penalty.

H.B. 1969, Relating to registration and inspection of motor vehicles.

H.B. 2049, Relating to the effective administration of air quality permitting programs including compliance with Federal Clean Air Act requirements; representation of the general public on the Texas Natural

Resources Conservation Commission; the confidentiality and handling of agency information; appeals of commission actions; permitting authority of the commission; fees for standard permits; disposition of clean air fund balances, certification of compliance; application dates, notice of intent to obtain, hearings, issuance, administration, appeal of delay, petition for review by EPA, enforcement and renewal of federal operating permits; review and renewal of preconstruction permits; and exemptions.

H.B. 2100, Relating to The University of Texas—Pan American.

H.B. 2199, Relating to the appellate jurisdiction of the Texas Water Commission.

H.B. 2304, Relating to the state's liability for inmates released on medical furlough.

H.B. 2377, Relating to the creation of the small business air compliance funding program.

H.B. 2433, Relating to equalizing the municipal solid waste disposal fee.

H.B. 2501, Relating to the regulation of warehouses; providing penalties.

H.B. 2512, Relating to administrative appeals.

H.B. 2585, Relating to advisory commissions for the Central Education Agency.

H.B. 2676, Relating to components of the University of Houston System.

H.B. 31, Relating to government contracts for which a performance or payment bond is required.

H.B. 54, Relating to the establishment of a parental responsibility pilot program to assist certain teenage parents receiving AFDC.

H.B. 799, Relating to a permit requirement for the land application of sludge.

H.B. 822, Relating to municipal civil service.

H.B. 859, Relating to confidentiality of certain information of a customer of a government-operated utility; providing a criminal penalty.

H.B. 982, Relating to the uses of the student deposit fund of public institutions of higher education.

H.B. 1114, Relating to the requirement that a licensed child care facility have certain liability insurance coverage.

H.B. 1122, Relating to the use of municipal hotel occupancy taxes.

H.B. 1123, Relating to the use of county hotel occupancy taxes.

H.B. 1192, Relating to the requirement that certain parents who are delinquent in child support payments participate in job training programs.

H.B. 1193, Relating to appropriations for payment of certain claims by state agencies.

H.B. 1212, Relating to the creation of state limited banking associations.

H.B. 1261, Relating to establishing the Texas partnership and scholarship program.

H.B. 1432, Relating to the powers of a river authority that engages in the distribution and sale of electric energy.

H.B. 1441, Relating to the investment of funds by certain trustees in the securities of an open-end or closed-end management investment company or investment trust.

H.B. 1540, Relating to regulation of multiple employer welfare arrangements.

H.B. 1559, Relating to the establishment of tree planting and other urban forestry practices to protect and maintain the state's urban forest resources.

H.B. 1696, Relating to the location of cemeteries in certain municipalities.

H.B. 2118, Relating to credit in the Teacher Retirement System of Texas for certain military service.

H.B. 2178, Relating to the amendment of Code of Criminal Procedure, Chapter 56, the Crime Victims Compensation Act.

H.B. 2179, Relating to the amendment of the Code of Criminal Procedure, Chapter 56, Subchapter B, the Crime Victims Compensation Act and Chapter 42, article 42.12.

H.B. 2488, Relating to the establishment of the Prosecutor Conduct Commission with the authority to discipline certain prosecutors.

H.B. 2623, Relating to the regulation of by-product materials and naturally occurring radioactive materials.

H.B. 2637, Relating to incentives for film, video and audio recording production in Texas.

H.B. 2650, Relating to requiring persons indicted for or convicted of sexual assault, aggravated sexual assault, or indecency with a child and juveniles adjudicated delinquent for violations of those offenses to undergo certain medical procedures and tests to detect sexually transmitted diseases.

H.B. 2685, Relating to guardianships of the person or estate of incapacitated persons.

H.B. 2710, Relating to the Texas Public School Retired Employees Group Insurance Program.

H.B. 2714, Relating to the duty of a municipality with a population greater than 1.5 million to provide water and sewer services to annexed areas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

S.B. 141	S.B. 632	S.B. 1276
S.B. 330	S.B. 709	S.B. 1302
S.B. 362	S.B. 728	S.B. 1361
S.B. 399	S.B. 813	S.B. 1388
S.B. 419	S.B. 819	S.C.R. 43
S.B. 490	S.B. 1068	S.C.R. 66
S.B. 541	S.B. 1212	S.J.R. 34
S.B. 631	S.B. 1229	

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 1497 by Barrientos Jurisprudence
Relating to the offense of interference with right of possession or access to a child.

S.B. 1498 by Barrientos Economic Development
Relating to the regulation of persons who represent or advise others in the buying or selling of a business; providing a criminal penalty.

S.B. 1499 by Brown Criminal Justice
Relating to the right of a defendant who has pleaded guilty or nolo contendere to appeal the conviction and to the extension of time for filing a notice of appeal.

S.B. 1500 by Brown State Affairs
Relating to the regulation of real estate brokers and property management.

S.B. 1501 by Patterson Intergovernmental Relations
Relating to the validation of governmental acts and proceedings concerning the issuance of bonds by certain municipal park boards of trustees.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

H.C.R. 119 to Committee on Administration.

H.J.R. 36 to Committee on Finance.

H.B. 74 to Committee of the Whole Senate on Redistricting,
Ethics and Elections, Subcommittee on Elections and Ethics.

H.B. 75 to Committee of the Whole Senate on Redistricting,
Ethics and Elections, Subcommittee on Elections and Ethics.

H.B. 158 to Committee on State Affairs.

H.B. 251 to Committee on Education.

H.B. 317 to Committee on Jurisprudence.
H.B. 466 to Committee on Economic Development.
H.B. 480 to Committee on State Affairs.
H.B. 496 to Committee on Intergovernmental Relations.
H.B. 560 to Committee on Intergovernmental Relations.
H.B. 663 to Committee on Intergovernmental Relations.
H.B. 866 to Committee on State Affairs.
H.B. 1099 to Committee on Criminal Justice.
H.B. 1103 to Committee on Intergovernmental Relations.
H.B. 1156 to Committee on State Affairs.
H.B. 1158 to Committee on Finance.
H.B. 1164 to Committee on State Affairs.
H.B. 1198 to Committee on Intergovernmental Relations.
H.B. 1372 to Committee on Education.
H.B. 1417 to Committee on Natural Resources.
H.B. 1429 to Committee on Jurisprudence.
H.B. 1431 to Committee on Natural Resources.
H.B. 1479 to Committee on Health and Human Services.
H.B. 1486 to Committee on State Affairs.
H.B. 1619 to Committee on State Affairs.
H.B. 1683 to Committee on Economic Development.
H.B. 1718 to Committee on Finance.
H.B. 1757 to Committee on Economic Development.
H.B. 1803 to Committee on Intergovernmental Relations.
H.B. 1815 to Committee on State Affairs.
H.B. 1858 to Committee on State Affairs.
H.B. 1880 to Committee on Economic Development.
H.B. 1884 to Committee on Health and Human Services.
H.B. 1886 to Committee on State Affairs.
H.B. 1899 to Committee on State Affairs.
H.B. 1916 to Committee on Education.
H.B. 1944 to Committee on Intergovernmental Relations.
H.B. 2056 to Committee on Education.
H.B. 2057 to Committee on Education.
H.B. 2107 to Committee on Education.
H.B. 2134 to Committee on State Affairs.
H.B. 2142 to Committee on Education.
H.B. 2149 to Committee on Education.
H.B. 2186 to Committee on Education.
H.B. 2227 to Committee on Economic Development.
H.B. 2242 to Committee on Natural Resources, Subcommittee
on Agriculture.
H.B. 2260 to Committee on State Affairs.
H.B. 2274 to Committee on Criminal Justice.
H.B. 2281 to Committee on State Affairs.
H.B. 2293 to Committee on Economic Development.
H.B. 2308 to Committee on Intergovernmental Relations.
H.B. 2323 to Committee on Intergovernmental Relations.
H.B. 2366 to Committee on Education.

H.B. 2396 to Committee on Finance.
H.B. 2519 to Committee on Intergovernmental Relations.
H.B. 2537 to Committee on Natural Resources.
H.B. 2555 to Committee on State Affairs.
H.B. 2662 to Committee on Economic Development.
H.B. 2747 to Committee on Economic Development.
H.B. 2814 to Committee on Natural Resources.
H.B. 2822 to Committee on Natural Resources.
H.B. 2844 to Committee on Jurisprudence.
H.B. 2851 to Committee on Jurisprudence.

CONFERENCE COMMITTEE ON HOUSE BILL 903

Senator Carriker called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **H.B. 903** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on **H.B. 903** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Carriker, Chair; Harris of Dallas, Rosson, Barrientos, and Ellis.

SENATE BILL 6 WITH HOUSE AMENDMENT

Senator Zaffirini called **S.B. 6** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **S.B. 6** as follows:

- (1) On page 2, Section 3, line 7, delete "upper-level".
- (2) On page 3, Section 5, line 8, between "Mexico" and ",", add the words "and Canada".

The amendment was read.

On motion of Senator Zaffirini and by unanimous consent, the Senate concurred in the House amendment to **S.B. 6** by a viva voce vote.

SENATE BILL 1432 REREFERRED

On motion of Senator Luna and by unanimous consent, **S.B. 1432** was withdrawn from the Committee on Health and Human Services and was rereferred to the Committee on Economic Development.

SENATE BILL 1324 WITH HOUSE AMENDMENTS

Senator Bivins called **S.B. 1324** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend S.B. 1324 by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the provision by public institutions of higher education of information relating to the Texas academic skills program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.306, Education Code, is amended by adding new Subsections (m) and (n) and renumbering the current Subsection (m) to read as follows:

(m) A high school student who performs at or above a level on the Texas Assessment of Academic Skills test to be set by the board are exempt from this law. This exemption will be in effect for three years from the date the TAAS is taken and the set score level is achieved. Students enrolling for the first time in Texas public colleges and universities after the three year period has elapsed must conform to all provisions of this law.

Entering or transferring students who have achieved a score to be set by the board on the Scholastic Aptitude Test or the ACT Assessment are exempt from the requirements of this law. This exemption will be in effect for five years from the date either the SAT or the ACT tests are taken and the set standard is achieved. Students enrolling for the first time in Texas public colleges and universities after the five year period has elapsed must conform to all provisions of this law.

(n) The board shall adopt rules necessary for the administration of this subchapter.

~~(m)~~ (n) This section does not apply to a student located outside this state who enrolls in a course offered outside this state by an institution of higher education.

SECTION 2. SECTION 51.306(m), Education Code, as added by this Act, applies for admission to a public institution of higher education, as defined by Section 61.003, Education Code on or after the beginning of the fall semester, 1993.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 1

Amend C.S.S.B. 1324 as follows:

(1) On page 2, between lines 4 and 5, insert a new SECTION 2 to read as follows, and renumber the existing SECTION 2 and subsequent sections of the bill appropriately:

SECTION 2. Section 13.032, Education Code, is amended by adding Subsection (k) to read as follows:

(k) A person who has a composite score on the American College Test, the Scholastic Assessment Test, or a similar assessment test that is at or above a percentage set by the State Board of Education is not required to take the basic competency examination prescribed by the board as a condition to admission into an approved teacher education program under Subsection (e) of this section.

(2) On page 2, line 6, strike "applies" and substitute "and Section 13.032(k), Education Code, as added by this Act, apply".

Floor Amendment No. 1 on Third Reading

Amend C.S.S.B. 1324 by adding Subsection (p) to read as follows:

(p) An institution of higher education shall provide to each student under Subsection (b) of this section who is accepted by the institution for admission, information in the institution's catalog relating to the testing and remedial requirements of this section and of the rules adopted by the Texas Higher Education Coordinating Board.

The amendments were read.

Senator Bivins moved to concur in the House amendments to S.B. 1324.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

SENATE BILL 1373 WITH HOUSE AMENDMENTS

Senator Parker called S.B. 1373 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend S.B. 1373 as follows:

(1) On page 3, line 15, strike "cogeneration"

(2) On page 13, line 5, after "purposes;" add:

"provided, that during each interval of three calendar years following the commencement of collection of such tax, the Board shall, consistent with the district's authorized powers and purposes, and in its sound discretion, endeavor to apply an annual average of not less than 10% of the net proceeds of such tax collections, after deduction of the general and administrative costs and expenses of the district and the costs and expenses of levying, assessing and collecting such taxes, toward mitigation of the impact of development within the district on adjacent areas, including without limitation, effects on public utilities and services, public transportation and traffic movement, and scenic and aesthetic beauty."

Amendment No. 1

Amend S.B. 1373 as follows:

(1) In Section 8 of the bill, strike Subsections (a), (b), (c), (d), and (j), (page 15, line 8 - page 16 line 22; and page 17 line 21 - line 25), and substitute the following:

(a) The district is governed by a board of eight directors who shall serve for staggered terms of four years.

(b)(1) Except as provided by Subdivision (2) of this subsection, to be qualified to serve as a director, a person must be at least 18 years old and be:

- (A) a resident of the district;
- (B) an individual owner of real property in the district;
- (C) an individual owner of stock, whether beneficial or otherwise, of a corporate owner of real property in the district;
- (D) an individual owner of a beneficial interest in a trust that owns real property in the district; or
- (E) an agent, employee, officer, or director of any owner of real property described by Paragraph (B), (C), or (D) of this subdivision.

(2) To be eligible for appointment under Subsection (c)(1)(F) or (G) of this section, a person must be a resident of the city making the appointment, and may not be a person described by Subsection (b)(1)(B), (C), (D) or (E) of this section.

(3) To be eligible for appointment under Subsection (c)(1)(H) of this section, a person must be a member of the Woodlands Community Association, and may not be person described by Subsection (b)(1)(B), (C), (D), or (E) of this section.

(4) A person or entity that owns an interest in a general or limited partnership owning real property in the district or who has a lease of real property in the district with a remaining term of 10 years or more, excluding options, is considered to be an owner of real property for purposes of this subsection.

(c)(1) On the effective date of this Act, the following persons shall constitute the initial board and shall serve as provided in this Act:

- (A) Vicki D. Armstrong;
- (B) Roger L. Galatas;
- (C) R.A. Kutsche;
- (D) Michael H. Richmond;
- (E) Bruce M. Withers, Jr.;
- (F) one individual appointed by the city council of the City of Oak Ridge North;
- (G) one individual appointed by the city council of the City of Shenandoah; and
- (H) one individual appointed by the board of directors of the Woodlands Community Association.

(2) If one or more of the initial directors listed in this subsection fails to qualify for office within 90 days after the effective date of this Act, the remaining directors shall appoint qualified persons to fill the vacancies for the unexpired terms.

(d) Of the initial directors, four shall serve until the first Saturday in May, 1994, or until their successors have been elected or appointed and

have qualified, and four shall serve until the first Saturday in May, 1996, or until their successors have been elected or appointed and have qualified. The board shall determine the terms of the initial directors by mutual agreement or by lot.

(j) Except as provided in Subsection (e) of this section, five directors constitute a quorum for the consideration of matters pertaining to the purposes of the district, and a concurrence of a majority of a quorum of directors shall be required for any official action of the district.

(2) Strike Section 14 of the bill and substitute the following:

SECTION 14. DISSOLUTION. (a) The board may elect by majority vote to dissolve the district at any time, and the board shall dissolve the district on written petition of the owners of 75 percent, in terms of acreage, of the real property in the district; however, the district may not be dissolved by the board if the district has any outstanding indebtedness or contractual obligations until such indebtedness or contractual obligations have been repaid or discharged.

(b) After the board elects to dissolve the district, the board shall transfer ownership of all property and assets of the district to Montgomery County, except as provided by Subsection (c) of this section.

(c) If on the date of the vote to dissolve the district more than 50 percent of the territory within the district is within the corporate limits of a municipality, the board shall transfer ownership of the district's property and assets to that municipality.

The amendments were read.

Senator Parker moved to concur in the House amendments to **S.B. 1373**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

SENATE RESOLUTION 933

Senator Parker offered the following resolution:

S.R. 933, Commending the Golden Triangle letter carriers who assist their community's food banks by collecting and transporting the food donated by concerned citizens.

The resolution was read and was adopted by a viva voce vote.

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. Gary Piefer of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Piefer and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

SENATE BILL 291 WITH HOUSE AMENDMENTS

Senator Rosson called **S.B. 291** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend S.B. 291 to read as follows:

Section 6.

On page 8, lines 5 through 11, delete the language in the current Subsection (g) and replace with the following:

(g) For each employee reported under the ENHR program, the attorney general shall retain the information only if the attorney general is responsible for establishing, enforcing, or collecting a support obligation, debt of the employee, or reporting to a court, domestic relations office, or a Friend of the Court the location of a parent who is denying possession of or access to a person with a valid possession order. If the attorney general is not responsible for establishing, enforcing, or collecting a support obligation, debt of the employee, or reporting to a court, domestic relations office, or a Friend of the Court the location of a parent who is denying possession of or access to a person with a valid possession order, the attorney general shall not create a record regarding the employee and the information contained in the notice shall be promptly destroyed.

Amendment No. 2

Amend S.B. 291 to read as follows:

Section 7.

On page 8, line 19 through page 9, line 5, delete the language in the current Subsection (a) and replace with the following:

At the conclusion of a Title IV-D case, the court ~~shall~~ may assess attorney's fees and all ~~other~~ court costs as authorized by law against the nonprevailing party, except that the court may not assess those amounts against the attorney general, or a private attorney or political subdivision that has entered into a contract under Section 76.007(b), Human Resources Code, or any party to whom ~~represented by~~ the attorney general has provided services under this chapter. Such fees and costs shall not exceed reasonable and necessary costs as determined by the court.

The amendments were read.

On motion of Senator Rosson and by unanimous consent, the Senate concurred in the House amendments to S.B. 291 by a viva voce vote.

SENATE BILL 798 WITH HOUSE AMENDMENT

Senator Armbrister called S.B. 798 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend S.B. 798 by deleting "A" on line 11 of page 3 and inserting the following between "(a)" and "political":

"A volunteer fire department or a" and insert the following between "subdivision" and "participating" on line 14 of page 3: "or a volunteer fire department"

The amendment was read.

Senator Armbrister moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on S.B. 798 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Armbrister, Chair; Haley, Rosson, Wentworth, and Shelley.

**COMMITTEE SUBSTITUTE
SENATE BILL 565 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 565, Relating to the licensure of food manufacturers and wholesale food distributors.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend C.S.S.B. 565 as follows: On page 1, line 21, following the period, insert "The term "food wholesaler" shall not include a commissary which distributes food primarily intended for immediate consumption on the premises of a retail outlet under common ownership."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 565 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 565** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 684 ON SECOND READING**

Senator Armbrister asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 684, Relating to the regulation of emissions from an agricultural operation.

There was objection.

Senator Armbrister then moved to suspend the regular order of business and take up **C.S.S.B. 684** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Armbrister, Bivins, Brown, Carriker, Haley, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire.

Nays: Barrientos, Ellis, Harris of Tarrant, Parker, Truan, Zaffirini.

Absent-excused: Moncrief.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 684** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 382.003, Health and Safety Code, is amended to read as follows:

Sec. 382.003. **DEFINITIONS.** In this chapter:

(1) "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) "Agricultural operation" includes:

(A) cultivating the soil;
(B) producing crops for human food, animal feed, planting seed, or fiber;

(C) floriculture;
(D) viticulture;
(E) horticulture;
(F) raising or keeping livestock or poultry; and
(G) planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

(3) "Air contaminant" means particulate matter, radioactive material, dust, fumes, gas, mist, smoke, vapor, or odor, including any combination of those items, produced by processes other than natural.

(4) ~~(3)~~ "Air pollution" means the presence in the atmosphere of one or more air contaminants or combination of air contaminants in such concentration and of such duration that:

(A) are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property; or

(B) interfere with the normal use or enjoyment of animal life, vegetation, or property.

(5) ~~(4)~~ "Board" means the Texas Natural Resource Conservation Commission.

(6) [(5)] "Executive director" means the executive director of the board.

(7) [(6)] "Facility" means a discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source, including appurtenances other than emission control equipment. A mine, quarry, well test, or road is not considered to be a facility.

(8) [(7)] "Federal source" means a facility, group of facilities, or other source that is subject to the permitting requirements of Title IV or V of the federal Clean Air Act Amendments of 1990 (Pub.L. No. 101-549) and includes:

(A) an affected source as defined by Section 402 of the federal Clean Air Act (42 U.S.C. Section 7651a) as added by Section 401 of the federal Clean Air Act Amendments of 1990 (Pub.L. No. 101-549);

(B) a major source as defined by Title III of the federal Clean Air Act Amendments of 1990 (Pub.L. No. 101-549);

(C) a major source as defined by Title V of the federal Clean Air Act Amendments of 1990 (Pub.L. No. 101-549);

(D) a source subject to the standards or regulations under Section 111 or 112 of the federal Clean Air Act (42 U.S.C. Sections 7411 and 7412);

(E) a source required to have a permit under Part C or D of Title I of the federal Clean Air Act (42 U.S.C. Sections 7470 et seq. and 7501 et seq.);

(F) a major stationary source or major emitting facility under Section 302 of the federal Clean Air Act (42 U.S.C. Section 7602); and

(G) any other stationary source in a category designated by the United States Environmental Protection Agency as subject to the permitting requirements of Title V of the federal Clean Air Act Amendments of 1990 (Pub.L. No. 101-549).

(9) [(8)] "Local government" means a health district established under Chapter 121, a county, or a municipality.

(10) [(9)] "Modification of existing facility" means any physical change in, or change in the method of operation of, a stationary source in a manner that increases the amount of any air pollutant emitted by the source into the atmosphere or that results in the emission of any air pollutant not previously emitted. The term does not include:

(A) insignificant increases in the amount of any air pollutant emitted that is authorized by one or more board exemptions;

(B) insignificant increases at a permitted facility; or

(C) maintenance or replacement of equipment components that do not increase or tend to increase the amount or change the characteristics of the air contaminants emitted into the atmosphere.

(11) [(10)] "Person" means an individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity.

(12) [(11)] "Select-use technology" means a technology that involves simultaneous combustion of natural gas with other fuels in fossil

fuel-fired boilers. The term includes cofiring, gas reburn, and enhanced gas reburn/sorbent injection.

(13) ~~(12)~~ "Source" means a point of origin of air contaminants, whether privately or publicly owned or operated.

(14) ~~(13)~~ "Well test" means the testing of an oil or gas well for a period of time less than 72 hours that does not constitute a major source or major modification under any provision of the federal Clean Air Act (42 U.S.C. Section 7401 et seq.).

SECTION 2. Section 382.057, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) Air contaminant emissions from an agricultural operation, except emissions from an agricultural operation that is required to obtain a federal operating permit under this subchapter or is subject to regulations adopted under Section 111 or 112 of the federal Clean Air Act (42 U.S.C. Section 7411 or 7412), are exempt from the permitting requirements of this subchapter, unless based on the board's review of the agricultural operation's particular practices, the board finds that the emissions from the agricultural operation have caused or are causing in the immediate vicinity of the agricultural operation:

(1) a specific bodily injury to a member of the public; or

(2) a substantial adverse effect to the health or safety of the public.

SECTION 3. Subchapter D, Chapter 382, Health and Safety Code, is amended by adding Section 382.0905 to read as follows:

Sec. 382.0905. ENFORCEMENT AGAINST CERTAIN AGRICULTURAL OPERATIONS. (a) Air contaminant emissions from an agricultural operation, except emissions from an agricultural operation that is required to obtain a federal operating permit under Subchapter C or is subject to regulations adopted under Section 111 or 112 of the federal Clean Air Act (42 U.S.C. Section 7411 or 7412), are exempt from this subchapter unless the board finds that the emissions from the agricultural operation have caused or are causing in the immediate vicinity of the agricultural operation:

(1) a specific bodily injury to a member of the public; or

(2) a substantial adverse effect to the health or safety of the public.

(b) The board may not issue a notice of violation to an agricultural operation that is not required to obtain a federal operating permit under Subchapter C and is not subject to regulations adopted under Section 111 or 112 of the federal Clean Air Act (42 U.S.C. Section 111 or 112) unless the board makes a finding as provided by Subsection (a). The board shall include with a notice of violation issued under this subsection a statement of the reasoning and specific information on which the board relied in making its finding.

(c) If a violation of this chapter or of a board rule or order relates to an emission of air contaminants from an agricultural operation that is not required to obtain a federal operating permit under Subchapter C and is not subject to regulations adopted under Section 111 or 112 of the federal Clean Air Act (42 U.S.C. Section 7411 or 7412), the board may not issue

an order under this chapter to enforce the violation unless the board finds by a preponderance of the evidence that the emissions have caused or are causing in the immediate vicinity of the agricultural operation:

- (1) a specific bodily injury to a member of the public; or
- (2) a substantial adverse effect to the health or safety of the public.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

On motion of Senator Truan and by unanimous consent, further consideration of C.S.S.B. 684 was postponed for thirty minutes.

Question—Shall Floor Amendment No. 1 be adopted?

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

H.B. 71	H.B. 638	H.B. 1335	H.B. 2680
H.B. 196	H.B. 696	H.B. 1467	H.B. 2771
H.B. 199	H.B. 752	H.B. 1780	H.J.R. 57
H.B. 241	H.B. 781	H.B. 1920	H.C.R. 13
H.B. 261	H.B. 811	H.B. 2087	H.C.R. 69
H.B. 294	H.B. 842	H.B. 2105	H.C.R. 73
H.B. 600	H.B. 872	H.B. 2203	H.C.R. 120
H.B. 608	H.B. 1039	H.B. 2498	H.C.R. 58
H.B. 629	H.B. 1173	H.B. 2612	

COMMITTEE SUBSTITUTE SENATE BILL 1127 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1127, Relating to rules adopted by the Texas Board of Health regarding the transportation and routing of radioactive material and waste.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1127 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1127 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1423 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1423, Relating to the use of a safety belt.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1423 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1423** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 1330 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1330, Relating to the remedies available to a person who has paid an unlawful ad valorem tax.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 1330 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1330** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(Senator Harris of Tarrant in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1439 ON SECOND READING**

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1439, Relating to the placement in a residential care facility of a juvenile offender who is a person with mental retardation.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1439 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1439** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 507 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 507, Relating to county regulation of subdivisions.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Amend **S.B. 507** as follows:

Delete SECTION 4.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Wentworth and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 22, Nays 8.

Yeas: Armbrister, Barrientos, Brown, Carriker, Ellis, Henderson, Lucio, Luna, Madla, Montford, Parker, Patterson, Ratliff, Rosson, Shelley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Haley, Harris of Tarrant, Harris of Dallas, Leedom, Nelson, Shapiro, Sibley.

Absent-excused: Moncrief.

**COMMITTEE SUBSTITUTE
SENATE BILL 836 ON SECOND READING**

On motion of Senator Luna and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 836, Relating to the election of municipal court of record judges in San Antonio.

The bill was read second time and was passed to engrossment by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 836 ON THIRD READING**

Senator Luna moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 836** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 1081 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1081, Relating to a seller's duty to disclose the condition of real property to a purchaser.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 1081**, Section 1 as follows:

(1) Strike lines 7 through 19 in Subsection (b), page 5;

(2) Strike Subsection (f) on pages 6-7, and insert Subsection (f) to read:

(f) The notice shall be delivered by the seller to the purchaser on or before the effective date of an executory contract binding the purchaser to purchase the property. If a contract is entered without the seller providing the notice required by this section, the purchaser may terminate the contract for any reason within seven days after receiving the notice.

(3) Strike Subsection (g) on page 7.

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend H.B. 1081 as follows:

Amend SECTION 1 by striking lines 32 and 33 on page 4.

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend H.B. 1081 as follows:

Amend SECTION 1 by striking lines 3 and 4 on page 3 and substituting the following:

2. Are there any defects or malfunctions in any of the following?

Amend SECTION 1 by striking line 21 on page 3 and substituting the following:

3. Write Yes (Y) if you are aware, write No (N) if you are not aware.

Amend SECTION 1 by striking lines 4 and 5 on page 4 and substituting the following:

4. Is any item, equipment, or system in or on the property in need of repair?—Yes

Amend SECTION 1 by striking line 17 on page 4 and substituting the following:

5. Do any of the following exist on or affect the property?

Amend SECTION 1 by adding a new Subdivision (11) under Subsection 5.008(e) after line 21 on page 6:

(11) transfers of real property where the value of any dwelling does not exceed five percent (5%) of the value of the property.

The committee amendment was read.

On motion of Senator Brown and by unanimous consent, Committee Amendment No. 3 was withdrawn.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend H.B. 1081 as follows:

Strike Committee Amendment No. 3 and substitute the following:

Amend SECTION 1 by striking line 13 on page 3 and substituting the following:

Write Yes (Y) if you are aware, write No (N) if you are not aware.

Amend SECTION 1 by striking line 29 on page 3 and substituting the following:

Write Yes (Y) if you are aware, write No (N) if you are not aware.

Amend SECTION 1 by striking lines 2 through 8 on page 4 and substituting the following:

4. Are you (Seller) aware of any item, equipment, or system in or on the property that is in need of repair?—Yes (if you are aware) —No (if you are not aware). If yes, explain (attach additional sheets as necessary)_____

Amend SECTION 1 by striking line 10 on page 4 and substituting the following:

Write Yes (Y) if you are aware. write No (N) if you are not aware.

Amend SECTION 1 by striking lines 21 through 23 on page 5 and substituting the following:

(10) transfers of new residences of not more than one dwelling unit which have not previously been occupied for residential purposes.

Amend SECTION 1 by adding a new Subdivision (11) under Subsection 5.008(e) after line 23 on page 5:

(11) transfers of real property where the value of any dwelling does not exceed five percent (5%) of the value of the property.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1081 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 1081 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1033 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1033, Relating to reports of, and suits for the protection of, abused children; providing a criminal penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1033 ON THIRD READING

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1033 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
May 13, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 939, Relating to the employment of children; providing criminal and administrative penalties. (As amended)

S.B. 968, Relating to creation, re-creation, administration, powers and duties, validation, and dissolution of rural rail transportation districts. (As amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE
SENATE BILL 684 ON SECOND READING

The Senate resumed consideration of C.S.S.B. 684 on its second reading and passage to engrossment, further consideration having been postponed earlier today for thirty minutes.

C.S.S.B. 684, Relating to the regulation of emissions from an agricultural operation.

Question—Shall Floor Amendment No. 1 be adopted?

Senator Parker offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to C.S.S.B. 684 by adding on page 2, line 3, after the word "affect" "quality of life."

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Senator Carriker offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 to C.S.S.B. 684 as follows:

- (1) On page 5, line 15, insert "(1)" after the word "unless";
- (2) On page 5, line 18, delete "(1)" and replace it with "(i)";
- (3) On page 5, line 20, delete "(2)" and replace it with "(ii)"; and
- (4) On page 5, line 21, insert the following after the word "public" and before the period: "or (2) unless the board finds a party was located in the immediate vicinity of the agricultural operation prior to the establishment of the agricultural operation."

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 684 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 684 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 20, Nays 10. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Bivins, Brown, Carriker, Haley, Harris of Dallas, Henderson, Lucio, Madla, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth.

Nays: Barrientos, Ellis, Harris of Tarrant, Leedom, Luna, Parker, Truan, West, Whitmire, Zaffirini.

Absent-excused: Moncrief.

SENATE BILL 1421 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1421, Relating to the regulation of food service establishments, retail food stores, mobile food units, or temporary food service establishments not regulated by counties or public health districts; providing penalties.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

Amend **S.B. 1421** as follows:

On page 2, line 10, after the word "district," add the sentences "The board by rule shall establish minimum standards for granting and maintaining a permit in an area not regulated under this chapter by a county or public health district. The Commissioner may refuse an application for permit, or suspend or revoke a permit in an area not regulated under this chapter by a county or public health district."

On page 4, line 11, between the words "The" and "may", replace "board" with "Commissioner".

On page 5, line 2, strike the word "may" and replace it with the word "shall"; between the words "issue" and "a", strike the words "to the

board"; between the words "board" and "that", replace the words "a report" with "an order".

On page 5, line 3 to 4, between the words "based" and "including", strike the words "and the director's recommendation on the imposition of a penalty".

On page 5, line 4 to 5, between the words "including" and "the", replace the words "a recommendation on the amount of" with "an assessment of".

On page 5, line 21, between the words "the" and "by", replace "board" with "Commissioner".

On page 5, line 27, between the words "the" and "a", replace "board" with "Commissioner".

On page 6, line 3, between the words "the" and "by", replace "board" with "Commissioner".

On page 6, line 5, between the words "the" and "order", replace "board's" with "Commissioner's".

On page 7, line 25, replace the last word in the line "board" with "Commissioner".

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1421 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1421 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 920 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 920, Relating to the creation of the Texas Seafood Marketing Program and to the dedication of certain revenue.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Amend C.S.S.B. 920 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subchapter A, Chapter 12, Parks and Wildlife Code, is amended by adding Section 12.009 to read as follows:

Sec. 12.009. TEXAS SEAFOOD MARKETING PROGRAM. (a) The department shall develop and administer a market promotion program to:

(1) foster increased consumption of seafood by the public;

(2) improve the quality and safety of seafood in retail businesses;
and

(3) develop business analyses and research that support long-term industry viability and competitiveness.

(b) The Texas seafood marketing advisory committee shall advise and assist the department in the development and administration of the seafood marketing program. The advisory committee consists of 14 members appointed by the governor to represent wholesale and retail seafood marketers, as follows:

(1) one representative appointed from a list of candidates recommended by the Texas retail food industry;

(2) one representative appointed from a list of candidates recommended by the specialty retail seafood industry;

(3) one representative appointed from a list of candidates recommended by the Texas Restaurant Association;

(4) one representative appointed from a list of candidates recommended by the seafood processing industry;

(5) six representatives from the seafood production industry, including:

(A) two representatives appointed from a list of candidates recommended by the Texas Shrimp Association;

(B) one representative appointed from a list of candidates recommended by the Texas oyster industry;

(C) one representative appointed from a list of candidates recommended by the Texas bay shrimp industry;

(D) one representative appointed from a list of candidates recommended by the Texas crab industry; and

(E) one representative appointed from a list of candidates recommended by the Texas finfish industry;

(6) one representative of The Texas A&M University Sea Grant Program;

(7) one representative of the Texas Agricultural Extension Service;

(8) one representative of the Texas Department of Health; and

(9) one representative of the department.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 920 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 920 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1336 ON SECOND READING**

Senator Truan moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1336, Relating to the provision of interpreters, telecommunication devices, and other services for deaf or hearing-impaired persons who are arrested or confined.

On motion of Senator Truan and by unanimous consent, the motion to suspend the regular order of business was withdrawn.

**COMMITTEE SUBSTITUTE
SENATE BILL 1431 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1431, Relating to approval of and objection to assignment of certain visiting judges.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

Amend C.S.S.B. 1431 as follows:

On page 1, line 52 after the word "disqualified", insert the words "or recused".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Harris of Dallas asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1431 ON THIRD READING**

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1431 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Harris of Dallas.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Harris of Dallas asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 1298 ON SECOND READING**

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1298, Relating to amending certain provisions concerning minimum standards of uniform practice and procedure for state agencies contained in the Administrative Procedure and Texas Register Act.

The bill was read second time.

Senator Harris of Dallas offered the following amendment to the bill:

Amend C.S.S.B. 1298 as follows:

(1) Amend Sec. 6(d), page 2, as follows:

(a) by placing a (1) after the (d) on page 2, line 62.

(b) On page 2, line 69 through the underlined portion of page 3, line 14, substitute the following:

concerning the proposed rule. ~~[on adoption of a rule]~~ If requested to do so as is provided in Section 5(b)(1) of this Act, the agency shall, either prior to adoption of a rule or within 30 days after such adoption, issue a statement containing as a minimum the following:

(A) A statement including the names of interested persons, interested groups or associations offering comment on the rule and whether they were for or against the rule and the reasons for agency disagreement with such comment or proposed revisions or deletions.

(B) A statement of the reasons why the agency did not consider in the adoption of the rule the considerations urged against such rule.

(C) A statement of justification, including the principal reasons for or against the adoption of the rule.

(D) A restatement of the particular statutory provision under which the rule is adopted and how the agency interprets such provisions as authorizing or requiring the rule.

(3) The statement, if required to be issued pursuant to this Act, shall be filed with the Secretary of State and published by the Secretary of State in the Texas Register if a request is made prior to adoption of the rule by at least 25 persons, by a governmental subdivision or agency, or by an association having at least 25 members. If no such request is made pursuant to this Act, the statement shall be kept by the agency as a part of the permanent files of the agency, available for review by the public.

(2) On page 4, line 50, beginning with the sentence that starts with "An" strike all of the balance of that line through line 56 and substitute in lieu thereof the following:

"An agency may ~~not vacate or modify an order, including a discovery or procedural order issued by an administrative law judge. An agency may not change a finding of fact by an administrative law judge.~~ An agency may ~~[only] not change a [or] conclusion of law made by an administrative law judge [or vacate or modify an order issued by the administrative law judge only for reasons of policy and must state in writing the reason and legal basis for the change]~~ unless the agency in its order states why such ~~[finding or] conclusion is changed.~~

(3) On page 8, line 69, underline the word "must" and add after such word [may].

(4) On page 11, line 28, after the word "agency" add , other than an agency with more than one statewide officeholder as its governing body.

(5) On page 12, line 22, add the phrase "Rule 76a as it exists on the date of this enactment and" after the word "procedure" and before the word "as."

(6) On page 12, line 46, substitute in lieu of all wording in such subsection, the following: "All acts or statutes, specific or general in nature or parts thereof whether enacted before this act or during this session of the Legislature, which conflict with the Administrative Procedure and Texas Register Act and the amendment made by this act shall be resolved in favor of the Administrative Procedure and Texas Register Act and this Act and if such conflict cannot be resolved, those acts are hereby expressly repealed to the extent of such conflict."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Dallas and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1298 ON THIRD READING

Senator Harris of Dallas moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1298 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 165 ON SECOND READING

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 165, Relating to the interception, use, or disclosure of wire, oral, or electronic communications and to the prosecution of offenses related to those activities.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 165 ON THIRD READING

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 165** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 34 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 34, Relating to tuition paid by certain foreign students enrolled in a public technical institute.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 34 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 34** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE**SENATE BILL 1135 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1135, Relating to fees charged by county attorneys, district attorneys, and criminal district attorneys for processing certain checks and similar sight orders.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Amend **C.S.S.B. 1135** by striking Section 1 of the bill and substituting a new Section 1 to read as follows:

SECTION 1. Article 102.007(c), Code of Criminal Procedure, is amended to read as follows:

(c) The amount of the fee may not exceed:

(1) ~~\$25~~ **[\$5]** if the face amount of the check or sight order does not exceed ~~[\$10]~~;

~~[(2) \$10 if the face amount of the check or sight order is greater than \$10 but does not exceed]~~ \$100;

(2) ~~[(3)]~~ **[(3)]** \$30 if the face amount of the check or sight order is greater than \$100 but does not exceed \$300;

(3) ~~[(4)]~~ **[(4)]** \$50 if the face amount of the check or sight order is greater than \$300 but does not exceed \$500; and

(4) ~~[(5)]~~ **[(5)]** \$75 if the face amount of the check or sight order is greater than \$500.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1135 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1135** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1001 ON SECOND READING

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1001, Relating to the powers and authority of the State Office of Administrative Hearings.

The bill was read second time.

Senator Rosson offered the following amendment to the bill:

Amend C.S.S.B. 1001 as follows:

(1) In SECTION 1, delete Section 2(h) (Committee Printing page 1, lines 58-60) and substitute the following:

(h) The office may not conduct hearings in cases coming before the Central Education Agency, the Comptroller of Public Accounts, the Department of Agriculture, the General Land Office, the Railroad Commission of Texas, the School Land Board, the Texas Lottery Commission, and the Texas Youth Commission, except by interagency contract.

(2) Delete SECTION 2 and substitute the following:

SECTION 2. (a) By September 1, 1995, all personnel, including hearings examiners and administrative law judges, equipment, data, facilities, and other items of the hearings divisions of other state agencies, except the Central Education Agency, the Comptroller of Public Accounts, the Department of Agriculture, the General Land Office, the Railroad Commission of Texas, the School Land Board, the Texas Lottery Commission, and the Texas Youth Commission, other than the personnel, equipment, data, facilities, and other items of an agency's central records office, shall have been transferred to the State Office of Administrative Hearings. Until one year after the date of his or her transfer, an employee transferred to the State Office of Administrative Hearings may be terminated or subject to salary reduction only for cause and only in relation to poor performance or unacceptable conduct.

(b) A hearings examiner or administrative law judge transferred from a state agency to the State Office of Administrative Hearings shall continue to hear any case assigned to the person as if the transfer had not occurred.

(c) This Act takes effect September 1, 1993, and all administrative hearings in contested cases conducted under the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) before other state agencies, except the Central Education Agency, the Comptroller of Public Accounts, the Department of Agriculture, the General Land Office, the Railroad Commission of Texas, the School Land Board, the Texas Lottery Commission, and the Texas Youth Commission, shall be transferred to the State Office of Administrative Hearings by September 1, 1995.

(d) Prior to September 1, 1995, the State Office of Administrative Hearings may by interagency contract arrange to conduct hearings on contested cases for any other state agency that requests the office to conduct its hearings.

(e) Nothing in this Act shall be construed to impede the transfer of any federal funds to a state agency. A state agency that administers federally funded programs retains the administration of those programs but, with the exception of any agency named in Subsection (c) of this section, shall arrange by interagency contract to have the State Office of Administrative Hearings conduct hearings on contested cases that come before the state agency.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Rosson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1001 ON THIRD READING**

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1001 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1002 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1002, Relating to the Administrative Procedure and Texas Register Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1002 ON THIRD READING**

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1002 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1030 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1030, Relating to creation and operation of a water bank and establishment and collection of fees associated thereto.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1030 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1030 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1408 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1408, Relating to discrimination by certain accommodations and associations; imposing civil penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

VOTE RECONSIDERED

On motion of Senator West and by unanimous consent, the vote by which **C.S.S.B. 1408** was passed to engrossment was reconsidered.

Question—Shall the bill be passed to engrossment?

(Senator Armbrister in Chair)

Senator Shapiro offered the following amendment to the bill:

Amend **C.S.S.B. 1408** in SECTION 1 by striking Section 136.005 and adding a new Section 136.005 to read as follows:

Section 136.005. CIVIL ACTION. (a) Any person aggrieved by a violation of Section 136.003 may bring a civil action to enjoin the violation to recover damages arising from the violation.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was again passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1408 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1408** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Nelson, and Wentworth asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1442 ON SECOND READING

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1442, Relating to designation of United States Highway 290 in Lee County as the Henry G. "Bud" Lehman Highway.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1442 ON THIRD READING

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1442** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE**SENATE BILL 458 ON SECOND READING**

Senator Haley asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 458, Relating to health insurance benefits for the treatment of certain bones and joints of the human body.

There was objection.

Senator Haley then moved to suspend the regular order of business and take up **C.S.S.B. 458** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Dallas, Leedom, Lucio, Luna, Madla, Nelson, Parker, Rosson, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Harris of Tarrant, Henderson, Montford, Patterson, Ratliff, Shapiro.

Absent-excused: Moncrief.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Harris of Tarrant, Henderson, Montford, Patterson, Ratliff, and Shapiro asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 458 ON THIRD READING**

Senator Haley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 458 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Dallas, Leedom, Lucio, Luna, Madla, Nelson, Parker, Patterson, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Harris of Tarrant, Henderson.

Absent: Montford, Ratliff.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Harris of Tarrant, Henderson, Montford, Patterson, Ratliff, Shapiro, and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 711 ON SECOND READING**

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 711, Relating to prohibiting employment discrimination against certain peace officers and fire fighters for refusing to take a polygraph examination.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 711 ON THIRD READING**

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 711 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 474 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 474, Relating to the regulation of currency exchange and transmission businesses.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend **C.S.H.B. 474** as follows:

(1) Amend Section 3(c), Article 350, by inserting "wholesaler" between the words "retailer" and "or service provider" where they appear on page 1, line 28, lines 51 and 52, line 61, and line 65 of the Committee Report printing.

(2) Amend Section 3(c), Article 350, by deleting "\$1,000" and inserting in its place "\$10,000.00" on page 1, line 55 of the Committee Report printing.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 474 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 474** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a group of sixth-grade students from Sequoia Learning Center.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE HOUSE BILL 1368 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1368, Relating to security devices for certain rental dwellings; providing civil penalties.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 1368** by adding on page 3, line 29 between the words "housing" and "operated" the words owned or.

The amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 2

Amend page 2 of C.S.H.B. 1368 by deleting on line 36 the word “or”, by deleting the period on line 50 and adding the word “or” at the end of line 50, and by adding a new Subdivision (C) after line 50 to read as follows:

(C) by a metal bar or metal tube that is placed across the entire interior side of the door and secured in place at each end of the bar or tube by heavy-duty metal screw hooks. The screw hooks must be at least three inches in length and must be screwed into the door frame stud or wall stud on each side of the door. The bar or tube must be capable of being secured to both of the screw hooks and must be permanently attached in some way to the door frame stud or wall stud. When secured to the screw hooks, the bar or tube must prevent the door from being opened unless the bar or tube is removed by a person who is on the interior side of the door.

Amend page 4 of C.S.H.B. 1368 by adding on line 48 after words “keyless bolting device” the following:
described in Section 92.151(6)(A) or (B)

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator Armbrister asked to be recorded as “Present-not voting” on the passage of the bill to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1368 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.H.B. 1368 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Armbrister.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Armbrister asked to be recorded as “Present-not voting” on the final passage of the bill.

**COMMITTEE SUBSTITUTE
HOUSE BILL 865 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 865, Relating to the dissolution of inactive water districts.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 865** as follows:

(1) In Section 2 of the bill, add an appropriately numbered subsection to read as follows:

"() Lake Turner Municipal Utility District No. 1, created by Chapter 1032, Acts of the 70th Legislature, Regular Session, 1987."

(2) In Section 2 of the bill, add an appropriately numbered subsection to read as follows:

"() Lake Turner Municipal Utility District No. 2, created by Chapter 1031, Acts of the 70th Legislature, Regular Session, 1987."

(3) In Section 2 of the bill, add an appropriately numbered subsection to read as follows:

"() Lake Turner Municipal Utility District No. 3, created by Chapter 1030, Acts of the 70th Legislature, Regular Session, 1987."

The amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.H.B. 865** as follows:

Page 2, line 33 by striking the word and

Page 2, line 36 by striking the . and adding ; and

Page 2, line 37 by adding the following: (20) Victoria County Drainage District No. 4, created by an order of the Commissioners Court of Victoria, dated July 10, 1922.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 865 ON THIRD READING**

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 865** be placed on its third reading and final passage.

The motion prevailed by the following vote: Ycas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1336 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1336, Relating to the provision of interpreters, telecommunication devices, and other services for deaf or hearing-impaired persons who are arrested or confined.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Amend **C.S.S.B. 1336**, in Section 1 of the bill, in proposed Article 15.171, Code of Criminal Procedure, by adding the following new Subsection (e):

(e) The failure of a law enforcement agency or magistrate to perform an act required under this article is not grounds for suppression of evidence under Article 38.23 of this code.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1336 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1336** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 1638 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1638, Relating to the Texas Egg Law.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1638 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1638** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 1818 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1818, Relating to the operation and management of the Canyon Regional Water Authority.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1818 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1818** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE

HOUSE BILL 563 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 563, Relating to the regulation and taxation of manufactured housing and to manufactured housing credit transactions.

The bill was read second time and was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE

HOUSE BILL 563 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 563** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 724 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 724, Relating to the establishment of the parent-child relationship, determination of paternity, the payment of child support in a suit in which establishment of the parent-child relationship or a determination of paternity is sought, and to the administration of a statewide plan for child support by the attorney general's office.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 724 ON THIRD READING**

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 724** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2058 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 2058, Relating to bonds issued by certain public institutions of higher education in this state.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 2058** by adding the following language as follows:

Amend SECTION 6 as follows:

On page 6, line 24, strike "." and add "except that the board shall review all such projects to determine whether they meet standards for cost efficiency, and space utilization. If a project does not meet such standards, the board shall notify the governor, the lieutenant-governor, the speaker of the house of representatives, and the Legislative Budget Board."

Amend SECTION 5 as follows:

On page 5, line 48, strike "." and add "except that the board shall review all such projects to determine whether they meet standards for cost

efficiency, and space utilization. If a project does not meet such standards, the board shall notify the governor, the lieutenant-governor, the speaker of the house of representatives, and the Legislative Budget Board."

The amendment was read and was adopted by a viva voce vote.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.H.B. 2058 as follows:

In Section 4, Sec. 55.1716, Subsection (a), strike "22 million" and insert "27 million".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2058 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.H.B. 2058 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1962 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1962, Relating to adding land to a municipal utility district by petition of landowner.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend C.S.H.B. 1962 as follows:

On page 1, line 39, delete proposed paragraph (1) and substitute the following:

"(1) none of the land in the district is, in whole or in part, within the boundaries of the Barton Springs-Edwards Aquifer Conservation District."

Delete proposed Sections 2 and 3 of the bill and substitute the following:

"SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be

read on three several days in each house by suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.”

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 1962 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.H.B. 1962 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 259 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 259, Relating to the creation and administration of a linked deposit program to encourage lending to historically underutilized businesses and small businesses in distressed communities.

The bill was read second time.

Senator West offered the following committee amendment to the bill:

Amend **H.B. 259** as follows:

On page 2, line 9, after the word “interest” add and demonstrate active participation

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 259 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 259** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 346 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 346, Relating to the regulation of greywater.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 346 ON THIRD READING

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 346** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 479 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 479, Relating to use of child passenger restraints in a motor vehicle.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 479 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 479** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 1450 ON SECOND READING

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1450, Relating to the validation of governmental acts and proceedings by certain municipalities.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Amend H.B. 1450 as follows:

On page 1, line 28, strike "18,000" and substitute "17,900"

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Sibley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1450 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 1450 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE

HOUSE BILL 384 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 384, Relating to the authority of a municipality to adopt an additional sales and use tax.

The bill was read second time.

Senator Carriker offered the following amendment to the bill:

Amend C.S.H.B. 384 as follows:

(1) Strike Section 2 (page 1, lines 64 through 65, and page 2, lines 1 through 8).

(2) Renumber subsequent sections accordingly.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Carriker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE

HOUSE BILL 384 ON THIRD READING

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 384** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1116 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1116, Relating to the use of temporary housing for certain inmates of the institutional division of the Texas Department of Criminal Justice.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1116 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 1116** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 1166 ON SECOND READING

On motion of Senator Luna and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1166, Relating to use of social security numbers of driver's license applicants to assist in child support enforcement.

The bill was read second time.

Senator Luna offered the following committee amendment to the bill:

Amend **H.B. 1166** as follows:

On page 1, line 14, after the word "support" add the following language before the "":

"or for the enforcement of a court order relating to the managing conservatorship or possession or access of a child"

On page 1, line 19, after the word "support" add the following language before the "":

"or for the enforcement of a court order relating to the managing conservatorship or possession or access of a child"

On page 2, line 1, after the word "support" add the following language before the "":

“or for the enforcement of a court order relating to the managing conservatorship or possession or access of a child”

On page 2, line 11, after the word “support” add the following language before the “.”:

“or for the enforcement of a court order relating to the managing conservatorship or possession or access of a child”

On page 2, line 16, after the word “support” add the following language before the “.”:

“or for the enforcement of a court order relating to the managing conservatorship or possession or access of a child”

On page 2, line 22, after the word “support” add the following language before the “.”:

“or for the enforcement of a court order relating to the managing conservatorship or possession or access of a child”

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Luna and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1166 ON THIRD READING

Senator Luna moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 1166 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 253 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 253, Relating to providing a uniform jury handbook to jurors in a civil or criminal case.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend H.B. 253 as follows:

(1) Amend Section 23.201(a), Subchapter C, Chapter 23, by inserting “subject to legislative approval.” between the words “publish” and “a uniform jury handbook” on page 1, line ____.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 253 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 253 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

GUEST PRESENTED

The President acknowledged the presence in the Senate of Secretary of State John Hannah, Jr.

The Senate welcomed Secretary of State Hannah.

HOUSE BILL 740 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 740, Relating to the regulation of plumbing activities, including the installation of certain medical gas piping; providing a criminal penalty.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Amend **H.B. 740**, Section 3(b) by striking the phrase "This subsection does not apply to a person installing medical gas piping in a county with a population of 50,000 or less" (page 2, lines 24-26) and inserting the following phrase to read:

"This endorsement will coincide with the rules and regulations adopted by the Texas Department of Health."

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 740 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 740 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 1170 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1170, Relating to legal holidays and alternative legal holidays for banks or trust companies.

The bill was read second time and was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator Rosson asked to be recorded as "Present-not voting" on the passage of the bill to third reading.

HOUSE BILL 1170 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1170** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Rosson.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Rosson asked to be recorded as "Present-not voting" on the final passage of the bill.

HOUSE BILL 2050 ON SECOND READING

On motion of Senator Shelley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2050, Relating to the administration and collection of municipal hotel occupancy taxes.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2050 ON THIRD READING

Senator Shelley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 2050** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE JOINT RESOLUTION 23 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.J.R. 23, Proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses.

The resolution was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE JOINT RESOLUTION 23 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.J.R. 23** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 1200 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1200, Relating to decedents' estates, multiple-party accounts, and trusts.

The bill was read second time.

Senator Whitmire offered the following committee amendment to the bill:

Amend **H.B. 1200** as follows:

SECTION 5. Section 45, Texas Probate Code, is amended to read as follows:

Sec. 45. Community Estate. (a) On the intestate death of one of the spouses to a marriage, the community property estate of the deceased spouse passes to the surviving spouse if:

(1) no child or other descendant of the deceased spouse survives the deceased spouse; or

(2) all surviving children and descendants of the deceased spouse are also children or descendants of the surviving spouse.

(b) On the intestate death of one of the spouses to a marriage, if a child or other descendant of the deceased spouse survives the deceased spouse and the child or descendant is not a child or descendant of the surviving spouse, one-half of the community estate is retained by the

~~surviving spouse and the other one-half passes to the children or descendants of the deceased spouse. The [Upon the dissolution of the marriage relation by death, all property belonging to the community estate of the husband and wife shall go to the survivor, if there be no child or children of the deceased or their descendants; but if there be a child or children of the deceased, or descendants of such child or children, then the survivor shall be entitled to one half of said property, and the other half shall pass to such child or children, or their descendants. But such]~~ descendants shall inherit only such portion of said property to which they would be entitled under Section 43 of this code. In every case, the community estate passes charged with the debts against it.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1200 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 1200 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by a viva voce vote.

SENATE CONCURRENT RESOLUTION 79 ON SECOND READING

On motion of Senator Parker and by unanimous consent, all necessary rules were suspended to take up for consideration at this time on its second reading:

S.C.R. 79, Requesting the speaker of the house of representatives to appoint five members of the house of representatives and the lieutenant governor to appoint five members of the senate to form a delegation to travel to Washington, D.C., to meet with members of the Texas delegation to Congress to express opposition to the proposed Clinton energy policy and urge them to reconsider support of this plan.

The resolution was read second time.

Senator Carriker offered the following amendment to the resolution:

Amend **S.C.R. 79** by adding between lines 21 and 22 the following:

Whereas, the Texas Legislature supports and commends the efforts of the President and both parties in the Congress of the United States to address the federal deficit and wishes to be supportive of these efforts and call to the attention of our national leadership the strengths and weaknesses of various proposals; and

The amendment was read and was adopted by a viva voce vote.

The resolution as amended was adopted by a viva voce vote.

On motion of Senator Shelley and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

HOUSE BILL 1447 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1447, Relating to affidavits concerning cost and necessity of services in certain civil actions.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1447 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1447** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

GUEST PRESENTED

The President introduced to the Senate Railroad Commissioner Barry Williamson.

The Senate welcomed Commissioner Williamson.

SENATE BILL 719 WITH HOUSE AMENDMENT

Senator Whitmire called **S.B. 719** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **S.B. 719** as follows:

(1) On page 1, line 19, strike the period and insert the following after "overturned":

nor shall this subsection apply if the fire fighter or police officer is charged with excessive force that results in a death or injury and the charge is being investigated by a law enforcement or criminal justice agency other than the department.

(2) On page 1, line 20, strike "may" and substitute "shall".

(3) On page 2, line 4, strike the period and insert the following after "person":

except another law enforcement agency or fire department.

The amendment was read.

On motion of Senator Whitmire and by unanimous consent, the Senate concurred in the House amendment to S.B. 719 by a viva voce vote.

SENATE BILL 378 WITH HOUSE AMENDMENTS

Senator Whitmire called S.B. 378 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend S.B. 378, in Article 2 of the bill, by adding a new Section 2.02 to read as follows:

SECTION 2.02. The requirement in Section 494.007(b), Government Code, as added by Section 2.01 of this article, that the Texas Department of Criminal Justice review the department's policy on rent-free housing and review and adjust rent charged certain department employees applies only to a budget request made by the department after the date on which the comptroller of public accounts certifies in writing to the chairman of the Texas Board of Criminal Justice that state law requires each agency or office within the judicial, legislative, or executive department of state government to make the same review and adjustment for housing provided its officers or employees.

Committee Amendment No. 2

Amend S.B. 378 in Article 4 of the bill, in Section 4.02, in proposed Section 496.101(a), by striking "The" and substituting "As funds are appropriated for that purpose, the".

Committee Amendment No. 3

Amend S.B. 378, Article 8, Section 8.01, in Section 501.059, by adding a new Subsection (l) to read as follows:

"(l) The managed health care plan, inclusive of health care administrator and necessary personnel proposed by the advisory committee, must cost the state less than what is presently provided, otherwise the status quo shall be maintained".

Committee Amendment No. 4

Amend S.B. 378, Article 8, Sec. 501.059 as follows:

(1) On page 9, lines 10 and 11, strike "preferred provider arrangement", and insert "managed care".

(2) On page 9, line 18, strike "preferred provider arrangement", and insert "managed care".

(3) On page 9, lines 21 and 22, strike "After the committee determines that the preferred provider arrangement network is fully in operation," and insert "For those services for which the public medical schools and their components cannot provide."

(4) On page 9, lines 23 and 24, strike "under this section to provide", and insert "with other providers for".

Committee Amendment No. 5

Amend S.B. 378, Article 7, Section 7.01, Subsection (b), Section 501.015 as follows:

(1) On page 7, line 7, strike the entire line and substitute the following "(b) When an inmate (is discharged or) is released on parole,".

(2) On page 7, line 17, immediately after the period insert the following "The inmate shall receive \$50 upon his release from the institution and \$50 upon initially reporting to a parole officer at the location at which the inmate is required to report to a parole officer.".

(3) On page 7, line 21, after "inmate" insert "with \$100 and".

(4) On page 7, line 22, strike the word "with".

Amendment No. 6

Amend S.B. 378 on page 10, between lines 7 and 8, by adding a new Section 9.01 and renumbering the following sections accordingly:

SECTION 9.01. If an employee of the Texas Department of Criminal Justice becomes an employee of another institution as a result of this Act, the employee is entitled to retain the salary and benefits applicable to employees of the department of criminal justice.

Floor Amendment No. 7

Amend S.B. 378 as follows:

(1) On page 1, line 23, between "Relations" and "to" insert "and the Department of Human Services".

The amendments were read.

Senator Whitmire moved to concur in the House amendments to S.B. 378.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Moncrief.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Sims and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Natural Resources might consider S.B. 1491 today.

MEMORIAL RESOLUTIONS

S.R. 927 - By Brown: In memory of Stanley P. Smock of Lake Jackson.

S.R. 929 - By Brown: In memory of former mayor and fire chief Lee Harrison Price of Clute.

S.R. 932 - By Madla: In memory of the Honorable Frank J. Lombardino of San Antonio.

CONGRATULATORY RESOLUTIONS

H.C.R. 75 - (Lucio): Designating the Texas Red Grapefruit as the official fruit of Texas.

H.C.R. 139 - (Madla): Recognizing Valero Energy Corporation for its receipt of the 1992 Spirit of America Award by the United Way.

S.R. 925 - By Turner: Congratulating the students graduating from Georgetown's Northside Middle School who have completed the Drug Abuse Resistance Education (D.A.R.E.) program.

S.R. 926 - By Moncrief: Congratulating John V. McMillan of Fort Worth on the occasion of his 80th birthday.

S.R. 928 - By Brown: Recognizing Captain Mike Gee, Angleton's first black police officer, who is retiring after 26 years of service with the Angleton Police Department.

S.R. 930 - By Sibley: Recognizing Dr. Miro A. Pavelka of Richardson, who has been selected to serve as the Supreme Grand Master of the Delta Sigma Delta dental fraternity.

S.R. 931 - By Barrientos, Wentworth, Luna, Zaffirini, Madla: Recognizing the American Red Cross on the occasion of its annual Texas Disaster Institute in San Antonio.

S.R. 934 - By Ellis: Recognizing Paul F. Crouch and Janice W. Crouch, founders of the Trinity Broadcasting Network, on the occasion of the network's 20th anniversary.

ADJOURNMENT

On motion of Senator Truan, the Senate at 2:09 p.m. adjourned until 1:00 p.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 12, 1993

INTERGOVERNMENTAL RELATIONS — H.B. 2800, H.B. 1756, H.B. 1226, H.B. 1745, H.B. 2103, S.B. 1449, H.B. 1408, H.B. 1735, C.S.H.B. 2558, S.B. 1485, C.S.S.B. 1411, C.S.H.B. 2509, H.B. 1233, H.B. 825 (Amended), H.B. 1826, H.B. 372 (Amended), H.B. 1967, H.B. 1091

May 13, 1993

FINANCE — H.B. 1264, H.B. 365, H.B. 37, H.B. 1207, H.B. 2833, C.S.H.B. 2270, S.B. 1106, C.S.S.B. 959

ECONOMIC DEVELOPMENT — C.S.H.B. 1113

FINANCE — C.S.S.B. 1473, C.S.H.B. 165, C.S.H.J.R. 14

ECONOMIC DEVELOPMENT — H.B. 606, H.B. 2194, H.B. 653, H.B. 1598